

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

ROBERT W. BAKER, JR., individually and on
behalf of all others similarly situated,

Plaintiff,

v.

JOEL M. ARNOLD, et al.,

Defendants.

AND RELATED ACTIONS

Case Number C 03-05642 JF

**ORDER GRANTING MOTIONS TO
CONSOLIDATE RELATED
ACTIONS**

[Docket Nos. 18, 33, 37, 45, 49 & 57]

The Court hereby orders that:

1. The actions listed on Exhibit A are hereby consolidated for all purposes pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. These actions shall be referred to herein as the “consolidated action.”

2. The consolidated action shall be captioned: “*In re Redback Networks, Inc. Securities Litigation.*” All related actions that are subsequently filed in, or transferred to, this District shall be consolidated into this action. This Order shall apply to every such related action, absent order

of the Court. A party that objects to such consolidation, or to any other provision of this Order, must file an application for relief from this Order within ten (10) days after the date on which a copy of this Order is served on counsel for the party.

3. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action, for good cause shown.

4. Any counsel of record for a party in this action who is not a member of the Bar of this Court shall make a written application to the Court, with an accompanying proposed order, to practice before this Court *pro hac vice* in this action pursuant to Civil Local Rule 11-3.

4. The docket in Case No. C 03-05642 JF shall constitute the Master Docket for this action.

5. Every pleading filed in the consolidated action shall bear the following caption:

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE REDBACK NETWORKS, INC.
SECURITIES LITIGATION

Case Number C 03-05642 JF

This Document Relates To:

6. The file in Case No. C 03-05642 JF shall constitute a Master File for every action in the consolidated action. When the document being filed pertains to all actions, the phrase "All Actions" shall appear immediately after the phrase "This Document Relates To:" in the caption above. When a pleading applies only to some, not all, of the actions, the document shall list, immediately after the phrase "This Document Relates To:" the docket number for each individual action to which the document applies, along with the last name of the first-listed plaintiff in said

1 action.

2 7. The parties shall file a Notice of Related Cases whenever a case that should be
3 consolidated into this action is filed in, or transferred to, this District. If the Court determines
4 that the case is related, the clerk shall:

5 (a) place a copy of this Order in the separate file for such action;

6 (b) serve on plaintiff's counsel in the new case a copy of this Order;

7 (c) direct that a copy of this Order be served upon any new defendant(s) in the new case;

8 and

9 (d) make the appropriate entry in the Master Docket.

10 9. Lead plaintiff in this action shall file and serve upon Defendants a single amended
11 consolidated class action complaint within sixty (60) days after filing of an order approving lead
12 plaintiff's counsel in the consolidated action. The amended consolidated complaint shall be the
13 operative complaint and shall supercede all complaints filed in any of the actions consolidated
14 herein. Defendants shall answer, move or dismiss, or otherwise respond to the amended
15 consolidated class action complaint within forty-five (45) days after receipt of such complaint.
16 Lead Plaintiff shall file any opposition to a motion to dismiss filed by Defendants within forty-
17 five (45) days after such motion is filed, and Defendants shall file any reply within twenty-one
18 (21) days after any opposition is filed.

19
20 IT IS SO ORDERED.

21 DATED: May 17, 2004

22 /s/ electronic signature authorized
23 JEREMY FOGEL
24 United States District Judge
25
26
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EXHIBIT A

Case Name	Case Number	Date Filed
<i>Baker v. Arnold, et al.</i>	C 03-05642 JF	12/15/03
<i>Stremple v. Arnold, et al.</i>	C 03-05799 JF	12/23/03
<i>Deutsch v. Arnold, et al.</i>	C 03-05870 JF	12/30/03
<i>Panzer v. Cronan, et al.</i>	C 04-00085 JF	01/08/04
<i>Grimes v. Cronan, et al.</i>	C 04-00190 JF	01/13/04
<i>Chermak v. Arnold, et al.</i>	C 04-00251 JF	01/16/04
<i>Gillis v. Arnold, et al.</i>	C 04-00280 JF	01/21/04
<i>Hansen v. Cronan, et al.</i>	C 04-00359 JF	01/27/04
<i>Hwang v. Arnold, et al.</i>	C 04-00568 JF	02/10/04
<i>Lederman v. Cronan, et al.</i>	C 04-00586 JF	02/11/04
<i>Smajlaj v. Arnold, et al.</i>	C 04-00607 JF	02/12/04

Copies of this Order have been served on following persons:

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